

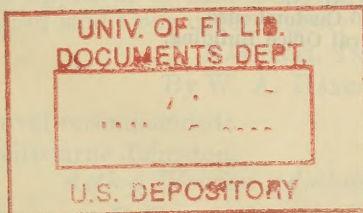
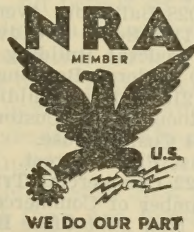
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

HOUSEHOLD ICE
REFRIGERATOR INDUSTRY

AS APPROVED ON JANUARY 19, 1935



UNITED STATES
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Approved Code No. 183—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HOUSEHOLD ICE REFRIGERATOR INDUSTRY

As Approved on January 19, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HOUSEHOLD ICE REFRIGERATOR INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of fifteen amendments to a Code of Fair Competition for the Household Ice Refrigerator Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order Number 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

Kilbourne Johnston,

Acting Division Administrator.

WASHINGTON, D. C.,

January 19, 1935.

110314°—1465-101—35

(1)

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on fifteen amendments to the approved Code of Fair Competition for the Household Ice Refrigerator Industry.

These amendments are acceptable to the Code Authority for that Industry and to the various Boards and Divisions, and opportunity to be heard thereon has been given to all interested parties.

The Acting Assistant Deputy Administrator in his final report to us on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter, we find that:

(a) The amendments of said Code and the Code as amended are well constituted to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purposes of cooperative action among the Trade Groups, by inducing and maintaining united action of labor and management under adequate Government sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, and improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The National Refrigerator Manufacturers Association was and is an industrial association truly representative of the aforesaid Industry and said association imposed and imposes no inequitable restrictions on admission to membership therein and consents to these amendments.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons therefore, we have approved these amendments. For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 19, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HOUSEHOLD ICE REFRIGERATOR INDUSTRY

1.

Amend Article III, Section 1, to read as follows:

1. No employee shall be permitted to work in excess of forty hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as otherwise provided in this Article III.

2.

Amend Article III, Section 1, by adding a new subsection (c), as follows:

(c) In order to provide for peak production periods, plant and factory employees may, during any eight (8) weeks in each calendar year, be permitted to work up to but not in excess of forty-eight (48) hours in any week and eight (8) hours in any day, provided, however, that such time worked in excess of forty (40) hours in any such week by such employees, shall be paid for at not less than one and one-half ($1\frac{1}{2}$) times the normal rate of pay, and provided further that this tolerance shall not be used if the peak period requirements can be met by the employment of additional employees. All time worked beyond forty hours per week shall be reported to the Code Authority and to the Administration on request.

3.

Amend Article III by adding a new Section 3, as follows:

(3) No employee shall be permitted to work more than six days in any week, except for such emergency work as is covered by Section 2 of this Article.

4.

Amend Article V, Section 5, to read as follows:

No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

5.

Amend Article V, Section 6, to read as follows:

(6) Employers shall not reclassify employees or duties of occupations performed by employees, or engage in any other subterfuge, so as to defeat the purposes or provisions of the Act or of this Code.

4

6.

Amend Article V by adding a new Section 12, as follows:

(12) No employee shall be discharged, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

7.

Amend Article VI, Section 3, to read as follows:

Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions thereof.

(e) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect members of the Industry.

(f) To provide appropriate facilities for arbitration between members of the Industry and subject to the approval of the National Industrial Recovery Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

8.

Amend Article VI, Section 10, by substituting the word "prescribe" for the word "provide."

9.

Amend Article VI, Section 11, to read as follows:

11. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after (30) days's notice to it of intention to proceed with such action in its original or modified form.

10.

Amend Article VII, Section 15, by changing the third word of line five from "December" to "October", the Section to read as follows:

15. Selling on other than standard terms—Standard terms shall require payment in cash within thirty (30) days from date of invoice. If desired, a discount of two percent (2%) for cash within ten (10) days from date of invoice may be extended. On all shipments between October 1 and April 1 invoices may be dated April 1 and such invoices may be subject to the cash discount if paid by April 10 and to anticipation discount of one half of one percent ($\frac{1}{2}$ of 1%) per month if paid before that time, or for payment for an entire preceding month's invoices on or before the 10th of the following month.

11.

Amend Article VII by deleting Section 16 thereof, and by making the changes in the numbers of all following Sections necessitated by such deletion.

12.

Amend Article VII, Section 19, by adding the following:

And in no case shall this provision be evaded or nullified by such devices as the appointment of a member or connection of a buying concern as salesman for a manufacturer so as to bring to the buyer the salesman's commission as well as the buyer's discount, thus giving such buyer an unfair advantage over other buyers of the same class.

13.

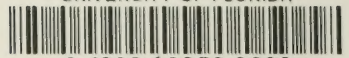
Amend Article VII, by adding a new Section 20 as follows:

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments to export trade. Export trade shall be defined as in the "Export Act" adopted April 10, 1918.

14.

Amend Article VIII, Section 1, to read as follows:

1. (a) Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as 'price terms', which list shall completely and accurately conform to and represent the complete individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt.



Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the Industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof, and shall be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their customers, as aforesaid. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board, or any duly designated agent of the National Industrial Recovery Board, copies of any such lists or revisions of price terms.

(b) When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the Industry shall sell or offer to sell any products/services of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

(d) No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

15.

Amend Article IX, Section 2, to read as follows:

Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the power and right to recommend to the National Industrial Recovery Board any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the National Industrial Recovery Board after such notice and hearing as it may specify.

Approved Code No. 183—Amendment No. 2.
Registry No. 1328-1-01.

